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Of Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**HELLS CANYON PRESERVATION
COUNCIL, an Oregon non-profit
corporation; THE WILDERNESS
SOCIETY, a national non-profit
corporation,**

Civil No. 02-291-KI

**STIPULATION RE: DISPOSITION
OF PLAINTIFFS' MOTION FOR
COSTS OF LITIGATION,
INCLUDING ATTORNEY FEES**

Plaintiffs,

v.

**UNITED STATES FOREST SERVICE,
an agency of the United States
Department of Agriculture,**

Defendant.

The parties hereby submit and ask the Court to approve this stipulation that memorializes their agreement concerning disposition of Plaintiffs' Motion for Costs of Litigation, Including Attorney Fees (Dkt. #208), in the above-captioned action. Specifically, the parties stipulate in this regard as follows:

1. On April 21, 2006, the Court entered a final Judgment (Dkt. #206) in this case in which it ruled that plaintiffs prevailed on Claims, 1, 2, 3, 4, and 5 in their Second Amended Complaint; that defendant prevailed on Claims 6, 7, 9 and 11; dismissed Claim 8 as moot; and dismissed Claim 10 without prejudice. On April 19, 2006, Plaintiffs filed their motion for costs of litigation, including attorney fees (Dkt. #208). Since that time, the parties have engaged in settlement negotiations designed to resolve the issues raised by the motion in the absence of further litigation. Recently, on October 27, 2006, the parties agreed on the fundamental terms of a settlement agreement. This stipulation serves to memorialize and formalize their agreement.
2. Defendant shall pay to Plaintiff Hells Council Preservation Council (Taxpayer ID# 93-0999442), who shall accept payment on behalf of all Plaintiffs, the sum of \$150,000.00 as the full amount due and owing and in complete satisfaction of any obligations Defendant may have to compensate Plaintiffs for the expenditures they have made or have yet to make for attorney's fees, expenses, and costs related to this case, including but not limited to the expenditures for which they seek reimbursement in their pending motion. Defendants shall send payment to the following address: Hells Canyon Preservation Council, P.O. Box 2768, LaGrande, OR 97850.
3. Within seven days of their counsel's having received the payment to Plaintiffs that is referenced in paragraph 3, above, Plaintiffs shall file a motion for voluntary withdrawal of their motion for costs of litigation, including attorney fees (Dkt. #208), with prejudice.

4. The fact that the parties are entering into this stipulation does not constitute, and shall not be construed, as an admission on the part of either Plaintiffs or Defendant with respect to any issues related to Plaintiffs' motion for costs of litigation, including attorney fees (Dkt. #208).

5. The parties respectfully request that the Court review and approve this stipulation by signing on the signature block below provided for that purpose. Upon the Court's approval, Defendant will begin processing the payment to Plaintiffs referenced in paragraph 2, above.

Dated this 3rd day of November 2006.

Respectfully submitted,

KARIN J. IMMERMUT
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/s/ Brett Brownscombe (by SJO, as authorized)
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I have reviewed and APPROVE the foregoing stipulation of the parties regarding the disposition of Plaintiffs' Motion for Costs of Litigation, including Attorney Fees (Dkt. #208).

Dated this 27 day of Nov. 2006.


GARR M. KING
U.S. District Judge

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have made service of the foregoing STIPULATION RE: DISPOSITION OF PLAINTIFFS' MOTION FOR COSTS OF LITIGATION, INCLUDING ATTORNEY FEES by filing the document with the Court this 3rd day of November 2006 through use of its CM/ECF system, which will automatically send notification of and effect electronic service upon the following counsel of record in this action:

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